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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
7784-000188

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On May 22, 2006

Signature

Typed or printed name Mark D. Elchuk
Erica K. SchaeferApplication Number
09/992,310Filed
November 19, 2001First Named Inventor
Laurence I. RockwellArt Unit
2686Examiner
Randy Peaches

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)☒ attorney or agent of record. 33,686 (MDE)
Registration number 55,861 (EKS)☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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May 22, 2006

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/992,310
Filing Date: November 19, 2001
Applicant: Laurence I. Rockwell
Group Art Unit: 2686
Examiner: Randy Peaches
Title: AIRBORNE SECURITY MANAGER
Attorney Docket: 7784-000188

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL STATEMENT AND REQUEST FOR REVIEW

OVERVIEW

Applicant respectfully submits that there is at least one clear error in the Final Office Action mailed February 22, 2006. In particular, none of the references cited by the Examiner teach or suggest an onboard network accessible to a plurality of users or an intrusion detection system onboard a mobile platform connected to the onboard network, as recited in Claims 20, 28, 34 and 38. In addition, it is improper to combine Huff with Monroe to arrive at Applicant's claimed subject matter, as Huff teaches away from this modification. Accordingly, Applicant asserts that the Examiner's final rejection is based on clear error as one or more of the recited elements in the claims is missing from the cited prior art, and there is no clear motivation to combine the cited references. The cited prior art, as previously characterized in Applicant's Responsive Amendment of November 28, 2005, pages 8-11, and Applicant's Responsive Amendment of June 1, 2005, pages 10-13, does not teach or fairly suggest an onboard network accessible to a

plurality of users or an intrusion detection system onboard a mobile platform connected to the onboard network as claimed in Applicant's application. Thus a prima facie case for a rejection has not been made.

DISCUSSION OF REFERENCES

Pending Claims 20-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff et al. (U.S. Pat. No. 6,408,391, hereinafter "Huff") in view of Monroe (U.S. Pat. No. 6,392,692, hereinafter "Monroe"). However, in Huff, there is no discussion whatsoever of onboard network accessible to a plurality of users, let alone an intrusion detection system onboard a mobile platform connected to the onboard network and the other limitations of the system recited in Claims 20, 28, 34 and 38. Further, as noted by the Examiner, Huff does not disclose whatsoever a security system which communicates with a terrestrial-based system. Huff only deals with a system for monitoring either authorized or unauthorized users by two security servers 500, 600 that are located on trucks 700, 732 (see at least Column 13, Lines 47-67 and Column 14, Lines 4-11). The each of the security servers 500, 600, communicate with three other peer-to-peer links, 720, 730 and 740 each at different frequencies. Each of the peer-to-peer links 720, 730 and 740 in Huff includes one computer disposed on each vehicle (722, 24, 726; 734, 736; 742, 744 respectively), while the security servers 500, 600 are each disposed on a wholly separate vehicle (trucks 700, 732) to monitor each computer disposed on each vehicle in the peer-to-peer links, 720, 730, 740 (see at least Column 14, lines 19-28). One of the vehicles in the peer-to-peer links, 720, 730 and 740, serves as a hub to enable communication between the remaining vehicles and the server 500. Thus, Huff teaches away from an onboard network which is on the same mobile platform as the security system.

Furthermore, Huff teaches the desirability of separate vehicles so that the destruction of one vehicle will not alter the security systems 500, 600 or the other computers on each of the vehicles that form the peer-to-peer links (see at least Column 14, Lines 25-39). In particular, if one of the vehicles 700 or 732 containing the security servers 500, 600 is "subverted or destroyed" the remaining server 500 or 600 on the remaining vehicle 700 or 732 serves as the monitor for the entire system (see at least

Column 14, lines 34-39). Thus, Huff teaches away from an intrusion detection system onboard the same mobile platform as the users accessing the mobile network, as Huff expressly teaches the desirability of a security system disposed externally to the onboard network.

Applicant also notes that the system and method of the present application does not suffer from the potential drawbacks of Huff because, with the present system, the server(s) are on the same mobile platform as all the network access points that are being monitored. With Huff, since the important servers are on separate mobile platforms from the access points they are monitoring, a loss of communication link with any of the individual trucks can destroy the effectiveness of the whole monitoring system. With the present system, since the server(s) are on the same mobile platform with the access points they are monitoring, the present system is not susceptible to this potential "breakdown" in security from which the Huff system would appear to suffer.

Monroe does not remedy the shortcomings of Huff, as Monroe does not disclose or suggest whatsoever an onboard network accessible to a plurality of users or an intrusion detection system onboard the same mobile platform and connected to the onboard network. Further, it is improper to modify Huff with the teachings of Monroe to arrive at Applicant's claimed subject matter as Huff teaches away from this combination.

Monroe discloses an electronic surveillance system which "provides both visual and/or audio information as well as critical data such as location, direction, intrusion, fire and/or smoke detection...." The primary purpose of Monroe is monitoring the mobile platform "while in port or terminal and/or unattended whether taxing or parked or docked [and] permits tracking while in port or in route [to the port]" through a ground-based communications link (see at least Column 2, Lines 30-51). Monroe further discloses notifying "selected personnel" of a security situation on the mobile platform (see at least Column 7, Lines 59-60). Thus, Monroe provides for monitoring of the mobile platform itself while the mobile platform is in port or on the ground and does not disclose or suggest whatsoever an intrusion detection system onboard the mobile platform for monitoring an onboard network as claimed.


In addition, Applicant notes it is improper for the Examiner to modify Huff with Monroe, as Huff expressly teaches away from a surveillance system that requires monitoring a system administrator. Specifically, Huff teaches that prior art systems which require human intervention are undesirable as "prior art systems can be circumvented before the human administrator takes action" (see at least Column 11, lines 1-5). Thus, as Huff teaches away from a system including a human administrator, one of ordinary skill in the art would not combine the teachings of Monroe with Huff.

CONCLUSION

It is respectfully submitted that an onboard network accessible to a plurality of users and/or an intrusion detection system onboard a mobile platform connected to the onboard network are not disclosed or obvious in view of the references cited by the Examiner. The cited references simply do not show or suggest an intrusion detection system onboard a mobile platform and connected to an onboard network to monitor the onboard network, as claimed in Claims 20, 28, 34 and 38. Reconsideration and withdrawal of all of the outstanding rejections are thus respectfully requested.

Respectfully submitted,

Dated: May 22, 2006

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